

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

EDWIN HOSE and ERIK IRVINE HOSE,)	
)	Civil Action No. 07-242
Plaintiffs,)	
)	Judge McVerry
v.)	
)	Magistrate Judge Lenihan
BUCA RESTAURANTS, INC.,)	
)	
Defendant.)	

MEMORANDUM ORDER

Plaintiffs' Complaint was filed on February 26, 2007, and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judge's Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

The Magistrate Judge's Report and Recommendation (Doc. No. 50) filed on July 28, 2008, recommended that Defendant Buca Restaurants Inc.'s Motion for Summary Judgment (Doc. No. 20) be granted in part and denied in part. It was recommended that Defendant's Motion be granted as it related to Plaintiffs' PHRA claims, hostile work environment claims, and Plaintiff Erik Irvine Hose's retaliation claim. It was also recommended that Defendant's Motion be denied as it related to Plaintiffs' disparate treatment claims, and Plaintiff Edwin Hose's retaliation claim. Service was made on all counsel of record. The parties were informed that in accordance with the Magistrate Judge's Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72.1.4(B) of the Local Rules for Magistrate Judges, that they had ten (10) days to file any objections. Defendant filed Objections to the Report and Recommendation (Doc. No. 51) on August 14, 2008. After review of the pleadings and the documents in the case, together with the

Report and Recommendation and the objections thereto, the following Order is entered:

AND NOW, this 25th day of August, 2008;

IT IS HEREBY ORDERED that Defendant Buca Restaurants Inc.'s Motion for Summary Judgment (Doc. No. 20) is **GRANTED IN PART** and **DENIED IN PART**. Defendant's Motion is **GRANTED** as it relates to Plaintiffs' PHRA claims, hostile work environment claims, and Plaintiff Erik Irvine Hose's retaliation claim. Defendant's Motion is **DENIED** as it relates to Plaintiffs' disparate treatment claims, and Plaintiff Edwin Hose's retaliation claim.

IT IS FURTHER ORDERED that the Report and Recommendation (Doc. No.50) of Magistrate Judge Lenihan, dated July 28, 2008, is adopted as the Opinion of the Court.

s/ Terrence F. McVerry
The Honorable Terrence F. McVerry
United States District Judge

cc: The Honorable Lisa Pupo Lenihan
United States Magistrate Judge

All counsel of record